

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME

I am vetoing House Bill 1164 providing for an extension of the hours of permissible consumption of liquor and beer in counties of 300,000 or more population, according to the last preceding federal census. This bill extends the hour for the consumption of liquor to 2:15 a. m. and for the consumption of beer to 2:00 a. m., seven days a week. The bill would also permit counties with under 300,000 population, by order of the Commissioners Court, to extend its hours of permissible consumption to 2:15 a. m. for the unincorporated areas of that county. This power would also be granted to the governing body of any incorporated city within any such county under 300,000 population, by ordinance, to extend its hours of permissible consumption of liquor to 2:15 a. m. With respect to the sale of beer, the time would be extended to 2:00 a. m. in counties meeting the qualifications set out by the Bill.

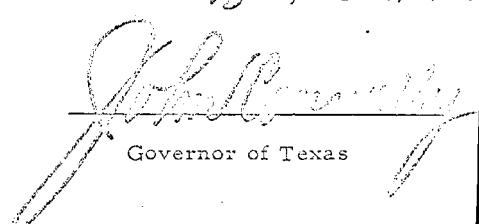
It appears that the bill creates confusion, if not a conflict, in the law with respect to the sale of liquor by Private Clubs. While the Bill amends Section 4(c) (1), Article I, Texas Liquor Control Act to extend the lawful hours during which a person may consume alcoholic beverages in a public place to 2:15 a. m., under paragraph (g), subsection 7, section 15 (e), Article I, Texas Liquor Control Act, the Registration Permit of any private club could be cancelled or suspended upon finding that the permittee club has "caused, permitted or allowed any person to consume or be served any alcoholic beverages on the club premises at any time on Sunday between the hours of 1:15 a. m. and 1:00 p. m., or any other day at any time between the hours of 12:15 a. m. and 7:00 a. m."

Section 4 of the bill provides that "all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict." If the courts were to determine that there is a legal conflict between these sections, then it would appear that paragraph (g), subsection 7, section 15 (e), Article I, Texas Liquor Control Act would stand repealed, thus eliminating the regulation of hours with respect to private clubs. It would appear that the Texas Liquor Control Board would then be precluded from suspending or cancelling a club's permit for serving after hours and without these sanctions, there can be no effective enforcement.

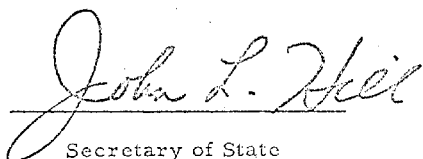
The practical effect of this conflict is to create a situation in which enforcement will be obstructed to the extent of becoming impossible; a situation in which the private club must stop serving its customers two hours before such customers must stop their consumption. The complex problems created in trying to enforce the observance of the hours prescribed by law for the selling and serving of alcoholic beverages under these circumstances lead me to believe the veto of this bill is imperative.

House Bill 1164 was received in the Governor's Office on May 29, 1967, less than 10 days prior to the adjournment of the Regular Session of the 60th Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of State to be affixed hereto at Austin this 13 day of June, 1967.


Governor of Texas

By the Governor:


Secretary of State